

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

R.F.A. No.3359 of 2007 (O&M)

Date of Decision:04.10.2007

Punjab Govt. and others

.....Appellants

Vs.

Hardyal Singh

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BINDAL

Present:- Mr. Praveen Chander Goyal, Sr. DAG, Punjab
for the appellants.

Rajesh Bindal, J.

This order shall dispose of R.F.A. Nos. 3439 to 3441 and 3359 to 3372 of 2007.

The State is in appeal against the award of the learned Additional District Judge, Ferozepur in a reference under Section 18 of the Land Acquisition Act, 1894 arising out of acquisition of land for the purpose of construction of Bam drain in RD No.0268500 out fall at RD No.77360 into Aspal drain.

Learned counsel for the appellants submitted that the learned Additional District Judge has gone wrong in awarding a compensation of Rs.2,25,000/- for Chahi Nehri Land and Rs.1,60,000/- in barani land and further enhancing the same by 20% without any reason, whereas on the basis of material on record, the compensation could not be granted more than Rs.1,40,000/- per acre. However, a perusal of the award shows that the first issue framed to determine the real market value of the land at the time of issue of notification for acquisition of land was decided against the respondents/ petitioners by upholding the assessment of value of the land by Land Acquisition Collector. The 20% increase was granted by the learned Additional District Judge on account of severance of the land. Learned counsel appearing for the State could not dispute the findings recorded by the learned Additional District Judge to the effect that with the construction of the drain, the land of the respondents had been bifurcated which made it difficult for them to approach the land and also utilise the same to its

maximum. No argument was addressed which could lead to the conclusion that the findings recorded by the learned Additional District Judge awarding 20% of the compensation on account of severance of the land are perverse. Once, the issue in the appeal is considered on merits, I do not consider any necessity to go into the allegations made in the application for condonation of delay of 80 days in filing the appeal.

Accordingly, I do not find any merit in the present appeals and the same are dismissed.

October 04, 2007
renu

(RAJESH BINDAL)
JUDGE